

CR No. 3244 of 2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 3244 of 2015 (O&M)

Date of Decision: August 24, 2015

Rajbir Singh & others

...Petitioners

Versus

Rishi Pal & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Rahul Deswal, Advocate
for the petitioners.

Mr. Shrey Goel, Advocate
for the respondents.

AUGUSTINE GEORGE MASI, J. (Oral):

Respondents had filed the petition under Section 13 of the Haryana Urban (Control of Rent & Eviction) Act, 1973 seeking ejectment of the petitioners. The learned Rent Controller by order dated 12.09.2012 allowed the ejectment petition. The said judgment was upheld by the Appellate Authority by judgment dated 10.02.2015. Hence, the present petition by the petitioner-tenants.

On the basis of the statement made by counsel for the petitioners on 30.06.2015, notice of motion was issued to limited extent of affording some reasonable time to vacate the premises in order to enable the petitioner-tenants to find out some suitable alternative accommodation. On the date, following order was passed

in the revision petition:-

“After hearing the counsel for the petitioners, it is transpired that this petition is not likely to succeed on merits. At this stage, the counsel for the petitioners requests for some reasonable time to vacate the demised premises in order to enable the petitioners-tenants to find out some suitable alternative accommodation.

Notice of motion for the above-said limited purpose only, returnable by 28.9.2015.

In the meanwhile, possession of the petitioners qua demised premises is protected but subject to the following conditions:-

(i) that petitioners will clear all the arrear of rent, if any, within a period of 15 days from today; and

(ii) that the petitioners shall continue to pay the future rent by 11th of each month till further order.

In case the petitioners fail to comply with any of these conditions, then in that eventuality the stay order shall stand automatically vacated.”

Counsel for the petitioner-tenants states that the petitioners would vacate the premises and hand over the vacant possession of the same to the respondents on 31.01.2016.

In view of the above, this revision petition stands dismissed on merits. However, as per the statement made by the counsel for the petitioners, five months and 7 days' time is granted to the petitioners to vacate the premises subject to their furnishing an undertaking in this regard in this Court within a period of two weeks

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from today that they shall hand over the vacant possession of the demised premises to the respondents on or before 31.01.2016 and that they shall also pay the rent on or before 7th day of each calendar month. This would be further subject to payment of arrears of rent till date, if any due, to the respondents within a period of two weeks from today.

August 24, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**